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OFFICE OF PETITIONS

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| In re Application of | : | |
| Karol Renau | : | |
| Application No. 10/811,061 | : | |
| Filed: March 25, 2004 | : | DECISION ON PETITION UNDER |
| Attorney Docket No. RENAU-64853 | : | 37 C.F.R. §1.53 |
| Title: BREWING MACHINE POWER | : | |
| MANAGEMENT SYSTEM AND METHOD | : | |

This is a decision on the petition filed August 9, 2004.

On March 25, 2004, the above-identified application was deposited. On June 10, 2004, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Incomplete Nonprovisional Application - Filing Date Not Granted (notice)", stating that the application had not been accorded a filing date, and advising applicants that a filing date would be accorded upon the receipt of drawings. The Notice further indicated that the basic filing fee, the fee associated with the filing of additional claims, and an executed oath or declaration would be required, and set a two-month period for response.

On August 9, 2004, Petitioner submitted a "Submission of Missing Parts of Application," which is properly treated as a petition under 37 C.F.R. §1.53. The petition is further accompanied by a copy of a single sheet of drawings containing Figures 1-2, along with a copy of applicants' postcard receipt acknowledging receipt of "Drawings (1 sheets [sic])" in the United States Patent and Trademark Office (Office) on March 25, 2004. Applicants request that the application, including Figures 1-2, be accorded a filing date of March 25, 2004.

Upon review of the electronic record, the above-mentioned figures have not been located among the application papers. However, the evidence is convincing that the application papers deposited on March 25, 2004 included one sheet of drawings containing Figures 1-2, and the sheet containing these figures was subsequently misplaced in the Office.

Therefore, the application, including Figures 1-2, was complete on filing and entitled to a filing date of March 25, 2004 as part of the original disclosure.

Accordingly, the petition is **GRANTED**.

The portion of the notice mailed June 10, 2004 pertaining to the drawings was sent in error, and that portion is hereby **VACATED**. Therefore, no petition fee is necessary. The petition fee of \$130 has not been charged to Petitioner's Deposit Account.

Receipt of the declaration, the filing fee and the fees associated with the filing of additional claims and the late submission of an oath or declaration is acknowledged.

The application file is being returned to the Office of Initial Patent Examination for further processing with a filing date of March 25, 2004, using the original application papers filed on that date, as well as Figures 1-2 submitted on August 9, 2004. OIPE will then mail a corrected filing receipt.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-0011. Please note that on approximately September 28, 2004, the Office of Petitions will relocate to the new PTO location in Alexandria. Although the mailing address will remain the same, the general phone number for the Office of Petitions which should be used for status requests will change to 571-272-3282, and the telephone number for the undersigned will change to 571-272-3225.



Paul Shanoski
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